

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ABDUL A. JALUDI,	:	
Plaintiff	:	CIVIL ACTION NO. 3:15-2076
v.	:	(JUDGE MANNION)
CITIGROUP,	:	
Defendants	:	

ORDER

Pending before the court is the report of United States Magistrate Judge Martin C. Carlson which recommends that the plaintiff's motion to reopen be denied. (Doc. 82). No objections have been filed to Judge Carlson's report. Upon review, the report and recommendation will be adopted in its entirety as the opinion of the court.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)).

Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The background of the instant action has been set forth by Judge Carlson in his report. Suffice it to say that this court previously found, among other things, that the plaintiff must proceed to arbitration on his civil RICO claims against the defendant. That decision was later upheld by the Third Circuit on appeal. Rather than initiate arbitration proceedings as directed, some eight years after this court directed him to proceed to arbitration and more than four years after the Third Circuit affirmed this court's decision, the plaintiff filed the instant motion to reopen his case arguing that the defendants waived their right to arbitration. (Doc. 77).

Upon review, Judge Carlson found that the plaintiff's motion to reopen is untimely under Fed.R.Civ.P. 60. Moreover, aside from its untimeliness, Judge Carlson found that the motion is without merit. Thus, Judge Carlson recommends that the motion be denied.

Neither party has filed objections to Judge Carlson's report. The court has reviewed the record and Judge Carlson's report and finds no clear error. Moreover, the court agrees with the sound reasoning which led Judge

Carlson to his conclusions. Therefore, the court will adopt the report and recommendation in its entirety as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Carlson (**Doc. 82**) is

ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.

(2) The plaintiff's motion to reopen (**Doc. 77**) is **DENIED**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: February 12, 2024

15-2076-03